

CITY COUNCIL, CITY OF LODI
COUNCIL CHAMBER, CITY HALL
OCTOBER 5, 1955

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 o'clock p.m. of Wednesday, October 5, 1955; Councilmen Fuller, Hughes, Mitchell, Richey, and Robinson (Mayor) present; none absent. City Attorney Mullen and City Manager Weller also present.

Minutes of the previous meetings of July 6, 1955, September 7, 1955, and September 21, 1955, were approved with the following correction made to the minutes of September 7, 1955:

The sixth sentence under the paragraph entitled "Schneider Rezoning" under Public Hearings is corrected to read as follows: "Mrs. Ed Hepper, Mrs. Harry Asay, and Mrs. Stanley Whitaker spoke in support of the rezoning."

COMMUNICATIONS

LETTER FROM SCHOOL BOARD	Letter from Lodi Public Schools Superintendent, H. Lawson Smith, dated September 14, 1955, expressing the appreciation of the High School District for the City Council action in exempting contractors from the building permit fees for the new high school.
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BARBERA SHOPPING CENTER	Letter from Edward Barbera, dated September 10, 1955, advising the City Council that any rumor to the effect that he has changed his plans regarding a shopping center at the corner of West Lane and Kettleman Lane is unfounded. He stated that the balance of his property is available for commercial development at any time that the need or demand for such development becomes apparent.
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GRAPE FESTIVAL	Three letters from the Lodi Grape Festival and Wine Show expressing its appreciation for the cooperation and help from the Police, Fire and Recreation Departments during the recent Festival season.
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APPEAL SCHNEIDER REZONING	An appeal by Ted Schneider, dated September 26, 1955, filed with the City Clerk September 30, 1955, from the decision of the City Planning Commission in rejecting his request for the rezoning of the north 10.9 acres of Tokay Gardens subdivision from R-1 to C-1. Mr. Schneider based his appeal on the following grounds:
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1. That public necessity, convenience, general welfare and good zoning practice require the requested rezoning.

2. That hardship and injustice result from the adverse decision of the Planning Commission, in that he had been informed that it was necessary that all property be annexed as R-1 Residence zone, when it would have been possible under Section 4.2 of Ordinance No. 469 to classify the property under question in the C-1 zone at the time of annexation.

3. That the adverse decision of the Planning Commission is inconsistent with other decisions made by the Planning Commission in rezoning property located at the intersection of Ham Lane and Lockeford Street, and it is not good zoning practice for said Planning Commission to allow such rezoning and refuse his request for rezoning.

PUBLIC
HEARING
SET

Mayor Robinson explained that under the provisions of the Zoning Ordinance, Mr. Schneider's appeal must be set for public hearing and also referred to the City Planning Commission for a supplemental report. In answer to a question from Mr. Goehring, attorney representing Mr. Schneider, the City Attorney explained the appeal procedure outlined in the Zoning Ordinance and explained that no delay would be incurred since the Planning Commission would only be submitting a report as to the reasons for taking its action, and it would not require additional hearings on the part of the Planning Commission. Councilman Fuller then moved, Hughes second, that the matter be referred to the City Planning Commission for a supplemental report and a public hearing on the appeal be set for October 19, 1955. The motion carried by unanimous vote.

PUBLIC HEARING

EXTRA WIDTH
DRIVEWAY
SOUTH
SACRAMENTO
STREET

Mr. Frolic, 1235 South Sacramento Street, requested approval of two extra width driveways in front of his property at the above address. He explained that a pipeline was being laid at this time and he wished to install curb and gutter before the street was repaired. His property is used as a trailer court and he wished approval of one 21-foot and one 35-foot driveway. On the motion of Councilman Hughes, Fuller second, the Council voted to approve the request subject to the approval of the City Engineer.

REPORTS OF THE CITY MANAGER

CHIPPER
SPECS

The City Council on the motion of Councilman Fuller, Richey second, approved specifications for a gasoline driven wood chipper and authorized the calling for bids.

ANNUAL AUDIT
SPECS

The City Council then approved specifications for the annual audit on the motion of Councilman Richey, Mitchell second.

CLAIMS

Claims in the amount of \$129,203.84 were approved on the motion of Councilman Richey, Mitchell second.

LAUHLAND
EASEMENT

City Attorney Robert Mullen reported to the City Council that according to his understanding of the instructions of the City Council at the September 7 meeting, he met with Mr. William Lauchland to negotiate the easement for storm sewer. He reported that he was able to reach an agreement with Mr. Lauchland and received the easement for the sum of \$1,500.00, which has been paid as a result of the September 7, 1955 action of the City Council. Councilman Hughes moved, Mitchell second, that the City Council concur in the City Attorney's interpretation of the City Council's previous action and approve the payment of \$1,500.00 for the easement secured. The motion passed by unanimous vote.

ABANDONMENT
OF MAGNOLIA
AVENUE

RES. #1883
ADOPTED

Mr. Weller reported that the City had received a request from the abandonment of Magnolia Avenue--a street dedicated on a map entitled "Burr's Addition to Lodi, Subdivision of Lot No. 2", filed March 31, 1888. He explained that the title companies apparently have no record of its abandonment, despite the fact that it has never been improved. On the motion of Councilman Hughes, Fuller second, the Council voted to adopt Resolution No. 1883, declaring its intention to abandon Magnolia Avenue and setting a public hearing on the matter for November 16, 1955. In the same motion the matter was referred to the City Planning Commission for comment.

CITY PLANNING COMMISSION

REZONING
NW CORNER
LOCKEFORD-
HAM LANE

Upon the reading of a report from the Planning Commission stating that the Commission had approved the requested rezoning from R-1 to C-1 of 3.75 acres at the northwest corner of Ham Lane and Lockeford Street, the City Council voted to set the matter for public hearing on October 19, 1955, on the motion of Councilman Richey, Fuller second.

AMEND COM-
MERCIAL USE
LIST

RES. #1884
ADOPTED

At the same meeting, the City Planning Commission adopted C.P.C. Resolution No. 9, amending C.P.C. Resolution No. 1 by the addition of the following words to Group F of the Use List: "Signs projecting from buildings". Councilman Fuller then moved, Richey second, that the Council adopt Resolution No. 1884, adding signs projecting from buildings to the Use List adopted by the City Council by Resolution No. 1719. The motion was passed by unanimous vote.

REZONING
LODI AVENUE
AND HUTCHINS
STREET

The Planning Commission approved the rezoning from R-4 and R-3 to C-1 of all that property not already so classified between Hutchins Street, Crescent Avenue, Lodi Avenue and a line drawn 456.4 feet southerly and parallel to the north line of Section 11, T3N, R6E, M.D.B. & M. The matter was set for public hearing before the City Council at the next regular meeting, October 19, 1955, on the motion of Councilman Mitchell, Richey second.

ORD. NO. 538
ADOPTED

SPITTLER-
McLANE
REZONING

ORDINANCE NO. 538, ENTITLED "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING LOTS 51, 52 AND THE SOUTH 9.21 FEET OF LOT 53 OF HUTCHINS HOMESTEAD ADDITION TO BE IN THE R-3 DISTRICT", having been regularly introduced on September 7, 1955, was brought up for passage on the motion of Councilman Fuller, Richey second. Second reading was omitted after reading by title, and then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - Fuller, Hughes, Mitchell,
Richey and Robinson

NCES: Councilmen - None

ABSENT: Councilmen - None

Mayor Robinson then signed Ordinance No. 538 in approval thereof.

ORD. NO. 539
ADOPTED

HELMENSTEIN
REZONING

ORDINANCE NO. 539, "AMENDING THE OFFICIAL DISTRICT MPA OF THE CITY OF LODI AND THEREBY REZONING LOTS 17 AND 18 OF THE HELMENSTEIN TRACT TO BE IN THE C-2 DISTRICT", having been regularly introduced on September 7, 1955, was brought up for passage on the motion of Councilman Richey, Hughes second. Second reading was omitted after reading by title, and then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - Fuller, Hughes, Mitchell,
Richey and Robinson

NOES: Councilmen - None

ABSENT: Councilmen - None

Mayor Robinson then signed Ordinance No. 539 in approval thereof.

ORD. NO. 541
ADOPTED

BARBERA
ANNEXATION

ORDINANCE NO. 541, "APPROVING THE ANNEXATION OF THE BARBERA ADDITION TO THE CITY OF LODI AND DECLARING THAT THE SAME IS ANNEXED TO AND MADE PART OF THE CITY OF LODI", having been regularly introduced on September 7, 1955, was brought up for passage on the motion of Councilman Mitchell, Richey second. Second reading was omitted after reading by title, and then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - Fuller, Hughes, Mitchell,
Richey and Robinson

NOES: Councilmen - None

ABSENT: Councilmen - None

Mayor Robinson then signed Ordinance No. 541 in approval thereof.

PUBLIC
HEARING
MASTER
PLAN

Mayor Robinson then called for the public hearing on the question of the adoption of the Master Plan adopted and recommended to the City Council by the City Planning Commission. The City Manager read a letter from the Lodi Realty Board, dated October 4, 1955, opposing the adoption of the Master Plan. The City Manager then read a letter received from Lindsay P. Marshall, Chairman of the City Planning Commission, dated October 4, 1955, urging the adoption of the Master Plan by the City Council. Mayor Robinson read an excerpt from the Planning and Conservation Act relating to the duties of the City Planning Commission and the City Council relative to the preparation and adoption of a master plan. The City Manager read C.P.C. Resolution No. 8, the document adopting the Master Plan by the City Planning Commission and providing for planning and development standards. Mr. Ben Schaffer and Mr. Bozant Katzakian spoke in opposition to the adoption of a master plan, stating that the adoption by the City Council will make the Master Plan a law and thereby too inflexible. City Attorney Mullen explained that the Master Plan should not be confused with the Zoning Ordinance. He pointed out that the Master Plan does not change the zoning of any property, but rather that it will still be necessary to amend the Zoning Ordinance in order to change the classification of the property. Mr. I. V. Añiler opposed the plan on

the basis that he felt it would increase the powers of the Planning Commission. The City Attorney explained that the powers to prepare and adopt a master plan are given to the City Planning Commission by the State Planning and Conservation Act and the adoption of the plan by the City Council does not increase the powers which have already been exercised by the Planning Commission. Mr. Jack Hoggatt, Mr. Robert Rinn and Mr. Arthur Armstrong spoke in support of the adoption of the Master Plan. Mr. James H. Welch and Mr. C. R. Van Buskirk spoke in opposition to its adoption. Mr. Katzakian then stated that if the adoption of the Master Plan means that it would be used as a guide, he did not think the Realty Board would object to its adoption. Councilman Fuller moved, Richey second, the adoption of Resolution No. 1885, adopting the Master Plan as recommended by the City Planning Commission in C.P.C. Resolution No. 8. Resolution No. 1885 was then adopted by the following vote:

RES. #1885
ADOPTED

AYES: Councilmen ---Fuller, Hughes, Mitchell,
Richey and Robinson

NOES: Councilmen - None

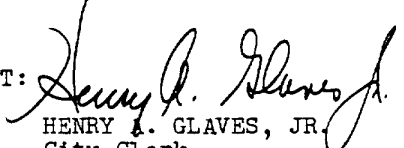
ABSENT: Councilmen - None

THREE
MEETINGS
PER MONTH

Mayor Robinson then requested that the City Council hold informal meetings on the second Wednesday of each month as a means of conferring with members of the Planning Commission, Recreation Commission, Library Board, and other members of the City organization. It was agreed that the first such meeting would be held October 12, 1955.

The meeting was adjourned at 10:45 p.m.

ATTEST:


HENRY A. GLAVES, JR.
City Clerk